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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SUNSET COMMERCIAL LLC, a Nevada
Limited Liability Company,

Plaintiff,

vs.

STAUFFER MANAGEMENT COMPANY,
a Delaware Limited Liability Company;
MONTROSE CHEMICAL CORPORATION
OF CALIFORNIA, a Delaware Corporation;
ATLANTIC RICHFIELD COMPANY, a
Delaware Corporation; OLIN
CORPORATION, a Virginia Corporation,
TITANIUM METALS CORPORATION, a
Delaware Corporation; NL INDUSTRIES,
INC., a New Jersey Corporation; LE
PETOMANE XXVII, INC., an Illinois
Corporation, in its representative capacity as
the NEVADA ENVIRONMENTAL
RESPONSE TRUST TRUSTEE; and the
UNITED STATES OF AMERICA.

Defendants.

Case No. 2:23-CV-02081-GMN-BNW

**STIPULATION AND PROPOSED ORDER
TO EXTEND DEADLINE FOR
DEFENDANT MONTROSE CHEMICAL
CORPORATION OF CALIFORNIA TO
RESPOND TO AMENDED COMPLAINT**
(ECF 35)

(Second Request)

Plaintiff Sunset Commercial LLC (“Sunset”) and Defendant Montrose Chemical Corporation of California (“Montrose”), by and through counsel of record, and consistent with Local Rule IA 6.1(a), hereby stipulate to an extension of time for Montrose to respond to Plaintiff’s Amended Complaint (Docket Entry No. 35, the “Amended Complaint”) until **June 7, 2024** (the “Stipulation”).

1 On or about April 15, 2024, Plaintiff filed its Amended Complaint. This is the second
 2 requested extension of these deadlines overall. *See* Local Rule IA 6-1(a). The first requested
 3 escalation applied to the Amended Complaint.

4 The parties seek to abide by this Court’s “Standing Order” filed on December 19, 2023
 5 (Docket Entry No. 9), stating that “Judge Navarro will generally deny a stipulation or motion for a
 6 continuance or extension of time which lacks justification,” and that “[s]uch requests may be
 7 granted only in extraordinary circumstances if just cause is presented.” The parties to this
 8 Stipulation therefore identify the following points of justification that show just cause exists for
 9 granting the Stipulation:

- 10 1. Sunset filed the instant Complaint against the eight (8) Defendants captioned above
 11 on December 14, 2023, seeking judgment against all Defendants for contribution
 12 damages “for response costs in accordance with CERCLA Section[] 107(a),” (*see*
 13 Complaint “Prayer for Relief” ¶ 1), meaning at least a portion of the Complaint’s
 14 allegations (and especially its first two Claims for Relief) necessitate proceeding
 15 against all Defendants together, rather than serially (*see* Compl. ¶¶ 154–78);
- 16 2. The parties to this Stipulation agree it would be fair, not only to themselves but to
 17 the other Defendants, to not require Montrose to file an Answer or other response
 18 sooner than other Defendants must file an Answer, since some of Plaintiff’s claims
 19 are asserted against all Defendants jointly;
- 20 3. It is the intent of the parties to this Stipulation to use the additional time to explore
 21 the possibility of mediation; and
- 22 4. Discovery has not yet commenced in this case and extending the deadline for
 23 Montrose to file a responsive pleading or other response would not prejudice any
 24 other party to this case, nor would it affect any other deadlines at this early stage in
 25 the proceedings.

1 DATED: May 6, 2024.

DATED: May 6, 2024.

2 LATHAM & WATKINS LLP

PARSONS BEHLE & LATIMER

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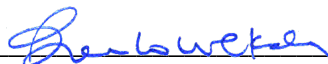
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8 *Corporation of California*

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10 **ORDER**

11
12 IT IS SO ORDERED.

13
14 
15 UNITED STATES DISTRICT JUDGE
16 DATED: 5/7/2024

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the law firm of Parsons Behle & Latimer and that on the 6th day of May, 2024, I filed a true and correct copy of the foregoing document, **STIPULATION AND ORDER TO EXTEND DEADLINE FOR DEFENDANT MONTROSE CHEMICAL CORPORATION OF CALIFORNIA TO RESPOND TO AMENDED COMPLAINT (ECF 35) (SECOND REQUEST)**, with the Clerk through the Court's CM/ECF system, which sent electronic notification to all registered users as follows:

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